

REMARKS

Response is hereby made to the Final Office Action dated January 16, 2004. By this Response, Applicant has not amended the claims, but has provided the clean copy presented above for convenience. Claims 1-20 (3 independent and 17 dependent) therefore remain pending the application. This Response is filed with a Terminal Disclaimer, and the fee associated with the disclaimer under 37 C.F.R. 1.20(d) is addressed on a separate Fee Calculation Sheet. *Although no additional fee or extension of time is believed to be required by this Response, the Commissioner is authorized and requested provide any extensions of time and/or to debit any fees that may be required by this Response (including any fees for additional claims or extensions of time) from Deposit Account No. 50-2091 to avoid abandonment of this Application.*

The Final Office Action has rejected claims 1-20 under the judicially-created doctrine of double patenting. Applicant has submitted a terminal disclaimer with this Response. The Final Office Action also rejects claims 1-20, citing US Patent No. 6,122,499 ("Magnusson") in view of US Patent No. 6,738,902 ("Ruppert"). Applicant respectfully traverses the rejection in that the Ruppert reference (which is the subject of the terminal disclaimer submitted herewith) is not properly citable as prior art against this Application. Because the reference and the application are commonly assigned (and were under a common obligation of assignment at the time either invention was made), the reference is excluded as prior art under 35 USC § 103(c).

Reconsideration of the rejection is requested.

Applicant therefore respectfully requests reconsideration and withdrawal the rejections set forth in the Office Action, and allowance of each of the remaining claims. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (480) 385-5060 or bcarlson@ifllaw.com.

Dated

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Respectfully submitted,



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